

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**SHEILA JAMES,**

Plaintiff,

**vs.**

**NATIONAL RAILROAD PASSENGER  
CORPORATION (AMTRAK),**

Defendant.

**Case No.: 4:17-cv-06645-YGR**

**ORDER GRANTING PLAINTIFF'S MOTION FOR  
RELIEF UNDER RULE 60(B)(1) AND (6);  
VACATING THE ORDER DISMISSING THE  
ACTION FOR FAILURE TO PROSECUTE;  
DIRECTING THE CLERK TO REOPEN ACTION;  
AND SETTING THE CASE MANAGEMENT  
CONFERENCE**

Re: Dkt. No. 54

On November 17, 2017, plaintiff Sheila James, appearing *pro se* and *in forma pauperis*, brought this action under the Federal Employers Liability Act against defendant National Railroad Passenger Corporation (Amtrak). After defendant filed its answer on August 14, 2018, the Court set the initial case management conference for October 15, 2018. After three subsequent requests for continuances filed by plaintiff due to financial and medical reasons (Dkt Nos. 32, 37, 42), the Court stayed the action by Order dated March 11, 2019, and set a compliance deadline for August 30, 2019 by which plaintiff would advise the Court whether she was in a position to litigate this action (Dkt. No. 43). On September 12, 2019, plaintiff requested a continuance of the compliance deadline (Dkt. No. 45), which the Court continued to March 13, 2020. On March 6, 2020, plaintiff requested a further continuance of the compliance deadline. (Dkt. No. 47.) In response to plaintiff's request, the Court vacated the compliance deadline on March 12, 2020, the same day that the Court issued an order in all civil cases suspending in-person appearances due to the COVID-19 pandemic.

On October 14, 2020, the Court reset the compliance deadline for November 6, 2020. (Dkt. No. 51.) Having not received a submission from plaintiff by this compliance deadline, the Court dismissed the case for failure to prosecute on November 17, 2020. (Dkt. No. 53.) On November 25, 2020, plaintiff filed a motion for leave to file a motion for consideration of the November 17, 2020


Order pursuant to Local Rule 7-9 or, in the alternative, for relief from the Order pursuant to Federal Rule of Civil Procedure 60(b)(1) and (6). (Dkt. No. 54.) According to plaintiff, she had been “waiting to hear from the Court to be put back on calendar” after the March 13, 2020 compliance deadline was vacated. Plaintiff maintains that she did not receive the October 14, 2020 Order resetting the compliance deadline and “[i]nstead, the next notice from the court [she] received was Monday, Nov. 23, 2020 dismissing [her] case.” This assertion is corroborated by Docket Number 52 showing that the October 14, 2020 Order was returned as undeliverable. Defendant declined to respond to plaintiff’s motion.

In light of such facts, the Court **GRANTS** plaintiff’s motion for relief pursuant to Federal Rule 60(b)(1) and (6) and **VACATES** the November 17, 2020 Order dismissing the action for failure to prosecute. The Clerk is directed to **REOPEN** this action. Furthermore, the Court **SETS** a case management conference for **January 25, 2021 at 2:00 p.m.** via Zoom videoconference. As this case has been pending since 2017, **it is imperative** that the plaintiff be prepared to address how she is going to prosecute this case. The Court has been more than generous in granting extensions. The parties shall file updated case management statements no later than **January 18, 2021**.

**IT IS SO ORDERED.**

This Order terminates Docket Number 54.

Dated: **January 4, 2021**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE